

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2005 MAR 22 A 9:13

LOUIS RASETTA and JOHN J. SHAUGHNESSY,  
as they are TRUSTEES, ET ALS.,  
Plaintiffs

v.

PENNEY CONSTRUCTION CORP.,  
Defendant

and

T.R. WHITE CO., INC.,  
Reach-and-Apply Defendant

and

SOVEREIGN BANK,  
Trustee

SCANNED

DATE: 3-23-05

*Kathleen Boyce*

Civil Action No.  
04-12463-MLW

MOTION FOR ENLARGEMENT OF TIME TO SERVE REACH AND APPLY  
DEFENDANT

Now come the plaintiffs in the above-captioned matter and, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, move for an enlargement of time within which to serve the summons and complaint upon T. R. White Co., Inc. (White), the reach-and-apply defendant. This motion is supported by the attached Affidavit of Randall E. Nash which establishes that there is good cause for the enlargement of time for the following reasons:

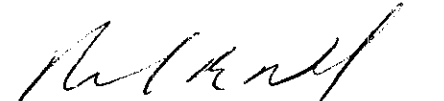
1. This action was filed by Attorney Anne R. Sills and Attorney Gregory A. Geiman on November 22, 2004.

2. Subsequent to the filing of the complaint, but prior to the service of the summons and complaint, Attorney Sills and Attorney Geiman referred this matter to Attorney Randall E. Nash.
3. On March 4, 2005, Attorney Nash entered his appearance on behalf of the plaintiffs and requested summonses for service upon Defendant Penney Construction Corp. (Penney) and White.
4. On March 7, 2005, Attorney Nash received the summonses and forwarded the summonses and copies of the complaint to the Plymouth County and Suffolk County Deputy Sheriffs' offices for service upon Penney and White, respectively.
5. Pursuant to Rule 4(m) of the Federal Rules for Civil Procedure, service of the summons and complaint is to be made upon a defendant within 120 days after the filing of the complaint or, in this case, by March 22, 2005.
6. Upon information and belief, the Plymouth County Deputy Sheriffs' office served Penney on March 19, 2005.
7. Upon information and belief, the Suffolk County Deputy Sheriffs' office has been unable to serve White because White has ceased operations at its address of record and there is no information as to whether or where it may be operating.
8. For all of the foregoing reasons, the plaintiffs require additional time to locate and serve White.
9. Rule 4(m) provides that the court shall extend the time for service upon good cause shown.

10. For all of the foregoing reasons, the plaintiffs submit that there is good cause for an enlargement of time of 30 days, or until April 21, 2005, for the plaintiffs to locate and serve White.

WHEREFORE, the plaintiffs respectfully request that this motion be allowed and that the time for service as to White be enlarged 30 days to April 21, 2005.

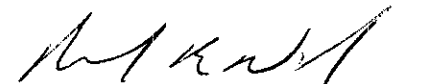
PLAINTIFFS,  
LOUIS RASETTA and JOHN J.  
SHAUGHNESSY, as they are  
TRUSTEES, ET ALS.,  
By their attorney,



Randall E. Nash  
BBO #546963  
11 Beacon Street, Suite 500  
Boston, MA 02108  
(617)742-5511

#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each attorney of record and each other party by mail on March 21, 2005.



Randall E. Nash